

EXHIBIT A

CONFORMED COPY

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Attorneys for Plaintiff Sony Corporation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SONY CORPORATION, A Japanese
corporation,

Plaintiff,

vs.

WESTINGHOUSE DIGITAL
ELECTRONICS, LLC, A California
limited liability company,

Defendant.

CASE NO. CV 08-03934

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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FILED

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1 Plaintiff Sony Corporation files this complaint against Westinghouse Digital
2 Electronics, LLC ("Westinghouse"):

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4 **THE PARTIES**
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6 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a
7 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.

8 2. Upon information and belief, Westinghouse is a limited liability
9 company organized under the laws of California and headquartered in Sante Fe
10 Springs, California. Westinghouse's agent for service of process is listed as
11 David O. Chen, 12150 Mora Drive, Sante Fe Springs, CA 90670.
12

13 **JURISDICTION AND VENUE**
14

15 3. This lawsuit is an action for patent infringement arising under the
16 patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction
17 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

18 4. This Court has personal jurisdiction over Defendant because Defendant
19 conducts business in the State of California and committed acts of patent
20 infringement and/or contributed to or induced acts of patent infringement by others
21 in the Central District of California and elsewhere in California and the United
22 States.

23 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391
24 and 1400 because Defendant regularly conducts business in this judicial district, and
25 certain of the acts complained of herein occurred in this judicial district. Defendant
26 offers to sell and sells the accused products in this judicial district.
27
28

THE PATENTS IN SUIT

6. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A true and correct copy of the '626 patent is attached hereto as Exhibit A.

7. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption" (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is attached hereto as Exhibit B.

8. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true and correct copy of the '542 patent is attached hereto as Exhibit C.

9. On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

10. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled "Television Function Selection Method, Television Receiver and Remove Commander for Television Receiver" (hereinafter "the '373 patent"). A true and correct copy of the '373 patent is attached hereto as Exhibit E.

11. On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614 titled "Method and Apparatus for Displaying an Electronic Menu having Components with Differing Levels of Transparency" (hereinafter "the '614 patent"). A true and correct copy of the '614 patent is attached hereto as Exhibit F.

12. On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055 titled "Video Data Bus Communication System and Method" (hereinafter "the '055 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

20. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

21. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

22. Unless Defendant is enjoined by this Court from continuing its infringement of the '626 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

COUNT II
INFRINGEMENT OF THE '577 PATENT

23. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

24. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '577 patent by practicing one or more claims of the '577 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

25. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '577 patent by contributing to and/or actively inducing the infringement by others of the '577 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

26. Upon information and belief, Defendant has willfully infringed the '577 patent.

27. Upon information and belief, Defendant's acts of infringement of the '577 patent will continue after service of this complaint unless enjoined by the Court.

28. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

29. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

30. Unless Defendant is enjoined by this Court from continuing its infringement of the '577 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

COUNT III

INFRINGEMENT OF THE '542 PATENT

31. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

32. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '542 patent by practicing one or more claims of the '542 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

33. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '542 patent by contributing to and/or actively inducing the infringement by others of the '542 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

34. Upon information and belief, Defendant has willfully infringed the '542 patent.

35. Upon information and belief, Defendant's acts of infringement of the '542 patent will continue after service of this complaint unless enjoined by the Court.

36. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

37. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

38. Unless Defendant is enjoined by this Court from continuing its infringement of the '542 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

COUNT IV

INFRINGEMENT OF THE '847 PATENT

39. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

40. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '847 patent by practicing one or more claims of the '847 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

41. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '847 patent by contributing to and/or actively inducing the infringement by others of the '847 patent by the

1 manufacture, use, offering for sale, sale, and/or importation or exportation of digital
2 televisions.

3 42. Upon information and belief, Defendant has willfully infringed the
4 '847 patent.

5 43. Upon information and belief, Defendant's acts of infringement of the
6 '847 patent will continue after service of this complaint unless enjoined by the
7 Court.

8 44. As a result of Defendant's infringement, Sony has suffered and will
9 suffer damages.

10 45. Sony is entitled to recover from Defendant the damages sustained by
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

12 46. Unless Defendant is enjoined by this Court from continuing its
13 infringement of the '847 patent, Sony will suffer additional irreparable harm and
14 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
15 and permanent injunction against further infringement.

16
17 **COUNT V**

18 **INFRINGEMENT OF THE '373 PATENT**

19
20 47. Sony realleges and incorporates herein the allegations of the preceding
21 paragraphs of this Complaint as if fully set forth herein.

22 48. Upon information and belief, in violation of 35 U.S.C. § 271,
23 Defendant has infringed and is continuing to infringe, literally and/or under the
24 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373
25 patent in the manufacture, use, offering for sale, sale, and/or importation or
26 exportation of digital televisions.

27 49. Upon information and belief, in violation of 35 U.S.C. § 271,
28 Defendant has infringed and is continuing to infringe the '373 patent by contributing

1 to and/or actively inducing the infringement by others of the '373 patent by the
2 manufacture, use, offering for sale, sale, and/or importation or exportation of digital
3 televisions.

4 50. Upon information and belief, Defendant has willfully infringed the
5 '373 patent.

6 51. Upon information and belief, Defendant's acts of infringement of the
7 '373 patent will continue after service of this complaint unless enjoined by the
8 Court.

9 52. As a result of Defendant's infringement, Sony has suffered and will
10 suffer damages.

11 53. Sony is entitled to recover from Defendant the damages sustained by
12 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

13 54. Unless Defendant is enjoined by this Court from continuing its
14 infringement of the '373 patent, Sony will suffer additional irreparable harm and
15 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
16 and permanent injunction against further infringement.

17
18 **COUNT VI**

19 **INFRINGEMENT OF THE '614 PATENT**
20

21 55. Sony realleges and incorporates herein the allegations of the preceding
22 paragraphs of this Complaint as if fully set forth herein.

23 56. Upon information and belief, in violation of 35 U.S.C. § 271,
24 Defendant has infringed and is continuing to infringe, literally and/or under the
25 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614
26 patent in the manufacture, use, offering for sale, sale, and/or importation or
27 exportation of digital televisions.
28

1 patent in the manufacture, use, offering for sale, sale, and/or importation or
2 exportation of digital televisions.

3 65. Upon information and belief, in violation of 35 U.S.C. § 271,
4 Defendant has infringed and is continuing to infringe the '055 patent by contributing
5 to and/or actively inducing the infringement by others of the '055 patent by the
6 manufacture, use, offering for sale, sale, and/or importation or exportation of digital
7 televisions.

8 66. Upon information and belief, Defendant has willfully infringed the
9 '055 patent.

10 67. Upon information and belief, Defendant's acts of infringement of the
11 '055 patent will continue after service of this complaint unless enjoined by the
12 Court.

13 68. As a result of Defendant's infringement, Sony has suffered and will
14 suffer damages.

15 69. Sony is entitled to recover from Defendant the damages sustained by
16 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

17 70. Unless Defendant is enjoined by this Court from continuing its
18 infringement of the '055 patent, Sony will suffer additional irreparable harm and
19 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
20 and permanent injunction against further infringement.

21
22 **PRAYER FOR RELIEF**

23 WHEREFORE, Sony prays for the following relief:

24 (a) That Defendant be ordered to pay damages adequate to
25 compensate Sony for Defendant's infringement of each of the patents-in-suit
26 pursuant to 35 U.S.C. § 284;

27 (b) That Defendant be ordered to pay treble damages for willful
28 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

1 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35
2 U.S.C. § 285 for each of the patents-in-suit;

3 (d) That Defendant, its officers, agents, servants, employees, and
4 those persons acting in active concert or in participation with them be enjoined from
5 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

6 (e) That Defendant be ordered to pay prejudgment interest;

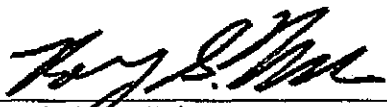
7 (f) That Defendant be ordered to pay all costs associated with this
8 action; and

9 (g) That Sony be granted such other and additional relief as the
10 Court deems just and proper.

11 DATED: June 16, 2008

Respectfully submitted,

12
13
14 By

 FOR
Kevin B. Johnson
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

15
16 Jaime A. Siegel, Sr. IP Counsel
17 SONY CORPORATION OF AMERICA

18 Attorneys for Plaintiff
19 SONY CORPORATION OF AMERICA
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DATED: June 16, 2008

Respectfully submitted,

By Ray D. [Signature] FOR

Keyin P.B. Johnson
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

Jaime A. Siegel, Sr. IP Counsel
SONY CORPORATION OF AMERICA

Attorneys for Plaintiff
SONY CORPORATION OF AMERICA

EXHIBIT B

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5 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
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7 Los Angeles, California 90017-254

8 Attorneys for Plaintiff Sony Corporation

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 SONY CORPORATION, A Japanese
Corporation,

14 Plaintiff,

15 vs.

16 WESTINGHOUSE DIGITAL
17 ELECTRONICS, LLC, A California limited
liability company,

18 Defendant.
19

CASE NO. CV 08-03934 - RGK (FMOx)

ORDER GRANTING JOINT STIPULATION
FOR FILING OF SONY CORPORATION'S
FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT

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28 CASE NO. CV 08-03934 - RGK (FMOx)

[PROPOSED] ORDER GRANTING JOINT STIPULATION FOR FILING OF SONY CORPORATION'S FIRST
AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1 **ORDER**

2 WHEREAS the Court being fully advised, having considered the Joint Stipulation
3 finds that the parties Joint Stipulation for Filing of Sony's Corporation's First Amended
4 Complaint for Patent Infringement should be GRANTED in all respects. The Clerk is hereby
5 DIRECTED to file Sony's First Amended Complaint.

6
7 **IT IS SO ORDERED.**
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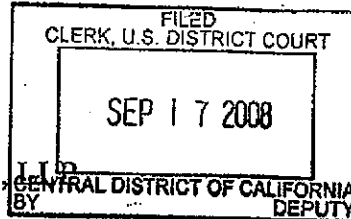
9
10 Dated: September 16, 2008

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12 HONORABLE R. Gary Klausner
13 United States District Court Judge
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EXHIBIT C

CONFORMED

1 Kevin P.B. Johnson (Bar No. 177129)
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3 555 Twin Dolphin Drive, Suite 560
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7 Steven M. Anderson (Bar No. 144014)
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9 865 S. Figueroa St. 10th Floor
10 Los Angeles, California 90017
11 Telephone: (213) 443-3000
12 Facsimile: (213) 443-3100

13 Attorneys for Plaintiff Sony Corporation

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 SONY CORPORATION, A Japanese
18 corporation,

19 Plaintiff,

20 vs.

21 WESTINGHOUSE DIGITAL
22 ELECTRONICS, LLC, A California
23 limited liability company,

24 Defendant.

CASE NO. CV-08-3934 RGKCFMOK

FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

25 Plaintiff Sony Corporation files this complaint against Westinghouse Digital
26 Electronics, LLC ("Westinghouse"):

27 **THE PARTIES**

28 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a
principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.

2. Upon information and belief, Westinghouse is a limited liability
company organized under the laws of California and headquartered in Sante Fe

1 Springs, California. Westinghouse's agent for service of process is listed as
2 David O. Chen, 12150 Mora Drive, Sante Fe Springs, CA 90670.

3
4 **JURISDICTION AND VENUE**

5 3. This lawsuit is an action for patent infringement arising under the
6 patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction
7 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

8 4. This Court has personal jurisdiction over Defendant because Defendant
9 conducts business in the State of California and committed acts of patent
10 infringement and/or contributed to or induced acts of patent infringement by others
11 in the Central District of California and elsewhere in California and the United
12 States.

13 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391
14 and 1400 because Defendant regularly conducts business in this judicial district, and
15 certain of the acts complained of herein occurred in this judicial district. Defendant
16 offers to sell and sells the accused products in this judicial district.

17
18 **THE PATENTS IN SUIT**

19 6. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled
20 "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A
21 true and correct copy of the '626 patent is attached hereto as Exhibit A.

22 7. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577
23 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data
24 Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption"
25 (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is
26 attached hereto as Exhibit B.

1 8. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542
2 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true
3 and correct copy of the '542 patent is attached hereto as Exhibit C.

4 9. On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled
5 "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847
6 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

7 10. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled
8 "Television Function Selection Method, Television Receiver and Remove
9 Commander for Television Receiver" (hereinafter "the '373 patent"). A true and
10 correct copy of the '373 patent is attached hereto as Exhibit E.

11 11. On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614
12 titled "Method and Apparatus for Displaying an Electronic Menu having
13 Components with Differing Levels of Transparency" (hereinafter "the '614 patent").
14 A true and correct copy of the '614 patent is attached hereto as Exhibit F.

15 12. On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055
16 titled "Video Data Bus Communication System and Method" (hereinafter "the '055
17 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

18 13. On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.
19 40,468 titled "Video Data Bus Communication System and Method" (hereinafter
20 "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as
21 Exhibit H.

22 14. On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182
23 titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of
24 the '182 patent is attached hereto as Exhibit I.

25 15. On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472
26 titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A
27 true and correct copy of the '472 patent is attached hereto as Exhibit J.
28

1 16. The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614
2 patent, '055 patent, '468 patent, '182 patent, and the '472 patent collectively, are
3 henceforth referred to as the "patents-in-suit."

4 17. Sony is the owner of all right, title, and interest in and to each of the
5 patents-in-suit with full and exclusive right to bring suit to enforce this patent,
6 including the right to recover for past infringement.

7
8 **COUNT I**

9 **INFRINGEMENT OF THE '626 PATENT**

10 18. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 19. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '626 patent by practicing one or more claims of the '626
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 20. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '626 patent by contributing
19 to and/or actively inducing the infringement by others of the '626 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 21. Upon information and belief, Defendant has willfully infringed the
23 '626 patent.

24 22. Upon information and belief, Defendant's acts of infringement of the
25 '626 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 23. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 24. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 25. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '626 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT II**

9 **INFRINGEMENT OF THE '577 PATENT**

10 26. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 27. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '577 patent by practicing one or more claims of the '577
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 28. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '577 patent by contributing
19 to and/or actively inducing the infringement by others of the '577 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 29. Upon information and belief, Defendant has willfully infringed the
23 '577 patent.

24 30. Upon information and belief, Defendant's acts of infringement of the
25 '577 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 31. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 32. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 33. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '577 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT III**

9 **INFRINGEMENT OF THE '542 PATENT**

10 34. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 35. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '542 patent by practicing one or more claims of the '542
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 36. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '542 patent by contributing
19 to and/or actively inducing the infringement by others of the '542 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 37. Upon information and belief, Defendant has willfully infringed the
23 '542 patent.

24 38. Upon information and belief, Defendant's acts of infringement of the
25 '542 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 39. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 40. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 41. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '542 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT IV**

9 **INFRINGEMENT OF THE '847 PATENT**

10 42. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 43. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '847 patent by practicing one or more claims of the '847
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 44. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '847 patent by contributing
19 to and/or actively inducing the infringement by others of the '847 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 45. Upon information and belief, Defendant has willfully infringed the
23 '847 patent.

24 46. Upon information and belief, Defendant's acts of infringement of the
25 '847 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 47. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 48. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 49. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '847 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT V**

9 **INFRINGEMENT OF THE '373 PATENT**

10 50. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 51. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 52. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '373 patent by contributing
19 to and/or actively inducing the infringement by others of the '373 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 53. Upon information and belief, Defendant has willfully infringed the
23 '373 patent.

24 54. Upon information and belief, Defendant's acts of infringement of the
25 '373 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 55. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 56. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 57. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '373 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT VI**
9 **INFRINGEMENT OF THE '614 PATENT**

10 58. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 59. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 60. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '614 patent by contributing
19 to and/or actively inducing the infringement by others of the '614 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 61. Upon information and belief, Defendant has willfully infringed the
23 '614 patent.

24 62. Upon information and belief, Defendant's acts of infringement of the
25 '614 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 63. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 64. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 65. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '614 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7 **COUNT VII**

8 **INFRINGEMENT OF THE '055 PATENT**

9
10 66. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 67. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 68. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '055 patent by contributing
19 to and/or actively inducing the infringement by others of the '055 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 69. Upon information and belief, Defendant has willfully infringed the
23 '055 patent.

24 70. Upon information and belief, Defendant's acts of infringement of the
25 '055 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 71. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 72. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 73. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '055 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT VIII**

9 **INFRINGEMENT OF THE '468 PATENT**

10 74. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 75. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '468 patent by practicing one or more claims of the '468
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 76. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '468 patent by contributing
19 to and/or actively inducing the infringement by others of the '468 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 77. Upon information and belief, Defendant has willfully infringed the
23 '468 patent.

24 78. Upon information and belief, Defendant's acts of infringement of the
25 '468 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 79. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 80. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 81. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '468 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7 **COUNT IX**

8 **INFRINGEMENT OF THE '182 PATENT**

9 82. Sony realleges and incorporates herein the allegations of the preceding
10 paragraphs of this Complaint as if fully set forth herein.

11 83. Upon information and belief, in violation of 35 U.S.C. § 271,
12 Defendant has infringed and is continuing to infringe, literally and/or under the
13 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182
14 patent in the manufacture, use, offering for sale, sale, and/or importation or
15 exportation of display devices, including digital televisions.

16 84. Upon information and belief, in violation of 35 U.S.C. § 271,
17 Defendant has infringed and is continuing to infringe the '182 patent by contributing
18 to and/or actively inducing the infringement by others of the '182 patent by the
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display
20 devices, including digital televisions.

21 85. Upon information and belief, Defendant has willfully infringed the
22 '182 patent.

23 86. Upon information and belief, Defendant's acts of infringement of the
24 '182 patent will continue after service of this complaint unless enjoined by the
25 Court.

26 87. As a result of Defendant's infringement, Sony has suffered and will
27 suffer damages.
28

1 88. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 89. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '182 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7
8 **COUNT X**

9 **INFRINGEMENT OF THE '472 PATENT**

10 90. Sony realleges and incorporates herein the allegations of the preceding
11 paragraphs of this Complaint as if fully set forth herein.

12 91. Upon information and belief, in violation of 35 U.S.C. § 271,
13 Defendant has infringed and is continuing to infringe, literally and/or under the
14 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472
15 patent in the manufacture, use, offering for sale, sale, and/or importation or
16 exportation of display devices, including digital televisions.

17 92. Upon information and belief, in violation of 35 U.S.C. § 271,
18 Defendant has infringed and is continuing to infringe the '472 patent by contributing
19 to and/or actively inducing the infringement by others of the '472 patent by the
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display
21 devices, including digital televisions.

22 93. Upon information and belief, Defendant has willfully infringed the
23 '472 patent.

24 94. Upon information and belief, Defendant's acts of infringement of the
25 '472 patent will continue after service of this complaint unless enjoined by the
26 Court.

27 95. As a result of Defendant's infringement, Sony has suffered and will
28 suffer damages.

1 96. Sony is entitled to recover from Defendant the damages sustained by
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 97. Unless Defendant is enjoined by this Court from continuing its
4 infringement of the '472 patent, Sony will suffer additional irreparable harm and
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
6 and permanent injunction against further infringement.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Sony prays for the following relief:

9 (a) That Defendant be ordered to pay damages adequate to
10 compensate Sony for Defendant's infringement of each of the patents-in-suit
11 pursuant to 35 U.S.C. § 284;

12 (b) That Defendant be ordered to pay treble damages for willful
13 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

14 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35
15 U.S.C. § 285 for each of the patents-in-suit;

16 (d) That Defendant, its officers, agents, servants, employees, and
17 those persons acting in active concert or in participation with them be enjoined from
18 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

19 (e) That Defendant be ordered to pay prejudgment interest;

20 (f) That Defendant be ordered to pay all costs associated with this
21 action; and

22 (g) That Sony be granted such other and additional relief as the
23 Court deems just and proper.
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1 DATED: September 12, 2008 Respectfully submitted,

2
3 By


Kevin P.B. Johnson

4 QUINN EMANUEL URQUHART

5 OLIVER & HEDGES, LLP Attorneys for
Plaintiff

6 SONY CORPORATION OF AMERICA
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EXHIBIT D

FILED

CONFORMED

1 Kevin P.B. Johnson (Bar No. 177129)
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3 555 Twin Dolphin Drive, Suite 560
4 Redwood Shores, California 94065-2139
5 Telephone: (650) 801-5000
6 Facsimile: (650) 801-5100

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BY _____

7 Steven M. Anderson (Bar No. 144014)
8 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
9 865 S. Figueroa St. 10th Floor
10 Los Angeles, California 90017
11 Telephone: (213) 443-3000
12 Facsimile: (213) 443-3100

13 Attorneys for Plaintiff Sony Corporation

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 SONY CORPORATION, A Japanese
18 corporation,

19 Plaintiff,

20 vs.

21 VIZIO, Inc.,

22 Defendant.

CASE NO.

SACV08-1135AHS(ANX)

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

23 Plaintiff Sony Corporation files this complaint against VIZIO, Inc. ("VIZIO"
24 or "Defendant"):

25 **THE PARTIES**

26 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a
27 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.
28

2. Upon information and belief, VIZIO is a corporation organized under the laws of California and headquartered at 39 Tesla, Irvine, California, 92618.

JURISDICTION AND VENUE

1. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has personal jurisdiction over Defendant because Defendant conducts business in the State of California and committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in the Central District of California and elsewhere in California and the United States.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendant regularly conducts business in this judicial district, and certain of the acts complained of herein occurred in this judicial district. Defendant offers to sell and sells the accused products in this judicial district.

THE PATENTS IN SUIT

4. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A true and correct copy of the '626 patent is attached hereto as Exhibit A.

5. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption" (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is attached hereto as Exhibit B.

1 6. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542
2 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true
3 and correct copy of the '542 patent is attached hereto as Exhibit C.

4 7. On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled
5 "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847
6 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

7 8. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled
8 "Television Function Selection Method, Television Receiver and Remove
9 Commander for Television Receiver" (hereinafter "the '373 patent"). A true and
10 correct copy of the '373 patent is attached hereto as Exhibit E.

11 9. On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614
12 titled "Method and Apparatus for Displaying an Electronic Menu having
13 Components with Differing Levels of Transparency" (hereinafter "the '614 patent").
14 A true and correct copy of the '614 patent is attached hereto as Exhibit F.

15 10. On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055
16 titled "Video Data Bus Communication System and Method" (hereinafter "the '055
17 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

18 11. On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.
19 40,468 titled "Video Data Bus Communication System and Method" (hereinafter
20 "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as
21 Exhibit H.

22 12. On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182
23 titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of
24 the '182 patent is attached hereto as Exhibit I.

25 13. On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472
26 titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A
27 true and correct copy of the '472 patent is attached hereto as Exhibit J.
28

1 14. On April 29, 1992, the USPTO issued U.S. Patent No. 5,285,285 titled
2 "Method Of Controlling First Items That Require Prior CRT Display And Second
3 Items That Require No Prior Display" (hereinafter "the '285 patent"). A true and
4 correct copy of the '285 patent is attached hereto as Exhibit K.

5 15. On May 18, 1993, the USPTO issued U.S. Patent No. 5,212,553 titled
6 "Television Receiver With Selective Menu Display" (hereinafter "the '553 patent").
7 A true and correct copy of the '553 patent is attached hereto as Exhibit L.

8 16. On December 1, 1992, the USPTO issued U.S. Patent No. 5,168,362
9 titled "Apparatus For Displaying Standard Aspect Ratio Television Signal On Wide
10 Aspect Ratio Display Screen" (hereinafter "the '362 patent"). A true and correct
11 copy of the '362 patent is attached hereto as Exhibit M.

12 17. On May 18, 1993, the USPTO issued U.S. Patent No. 5,539,425 titled
13 "Display Unit" (hereinafter "the '425 patent"). A true and correct copy of the '425
14 patent is attached hereto as Exhibit N.

15 18. The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614
16 patent, '055 patent, '468 patent, '182 patent, '472 patent, '285 patent, '553 patent,
17 '362 patent, and the '425 patent collectively, are henceforth referred to as the
18 "patents-in-suit."

19 19. Sony is the owner of all right, title, and interest in and to each of the
20 patents-in-suit with full and exclusive right to bring suit to enforce this patent,
21 including the right to recover for past infringement.

22
23 **COUNT I**

24 **INFRINGEMENT OF THE '626 PATENT**

25
26 20. Sony realleges and incorporates herein the allegations of the preceding
27 paragraphs of this Complaint as if fully set forth herein.
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1 28. Sony realleges and incorporates herein the allegations of the preceding
2 paragraphs of this Complaint as if fully set forth herein.

3 29. Upon information and belief, in violation of 35 U.S.C. § 271,
4 Defendant has infringed and is continuing to infringe, literally and/or under the
5 doctrine of equivalents, the '577 patent by practicing one or more claims of the '577
6 patent in the manufacture, use, offering for sale, sale, and/or importation or
7 exportation of display devices, including digital televisions.

8 30. Upon information and belief, in violation of 35 U.S.C. § 271,
9 Defendant has infringed and is continuing to infringe the '577 patent by contributing
10 to and/or actively inducing the infringement by others of the '577 patent by the
11 manufacture, use, offering for sale, sale, and/or importation or exportation of display
12 devices, including digital televisions.

13 31. Upon information and belief, Defendant has willfully infringed the
14 '577 patent.

15 32. Upon information and belief, Defendant's acts of infringement of the
16 '577 patent will continue after service of this complaint unless enjoined by the
17 Court.

18 33. As a result of Defendant's infringement, Sony has suffered and will
19 suffer damages.

20 34. Sony is entitled to recover from Defendant the damages sustained by
21 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

22 35. Unless Defendant is enjoined by this Court from continuing its
23 infringement of the '577 patent, Sony will suffer additional irreparable harm and
24 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
25 and permanent injunction against further infringement.

COUNT III

INFRINGEMENT OF THE '542 PATENT

36. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

37. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '542 patent by practicing one or more claims of the '542 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

38. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '542 patent by contributing to and/or actively inducing the infringement by others of the '542 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

39. Upon information and belief, Defendant has willfully infringed the '542 patent.

40. Upon information and belief, Defendant's acts of infringement of the '542 patent will continue after service of this complaint unless enjoined by the Court.

41. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

42. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

43. Unless Defendant is enjoined by this Court from continuing its infringement of the '542 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

COUNT IV
INFRINGEMENT OF THE '847 PATENT

44. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

45. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '847 patent by practicing one or more claims of the '847 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital devices, including display televisions.

46. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '847 patent by contributing to and/or actively inducing the infringement by others of the '847 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

47. Upon information and belief, Defendant has willfully infringed the '847 patent.

48. Upon information and belief, Defendant's acts of infringement of the '847 patent will continue after service of this complaint unless enjoined by the Court.

49. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

50. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

51. Unless Defendant is enjoined by this Court from continuing its infringement of the '847 patent, Sony will suffer additional irreparable harm and

1 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
2 and permanent injunction against further infringement.

3 **COUNT V**

4 **INFRINGEMENT OF THE '373 PATENT**

5
6 52. Sony realleges and incorporates herein the allegations of the preceding
7 paragraphs of this Complaint as if fully set forth herein.

8 53. Upon information and belief, in violation of 35 U.S.C. § 271,
9 Defendant has infringed and is continuing to infringe, literally and/or under the
10 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373
11 patent in the manufacture, use, offering for sale, sale, and/or importation or
12 exportation of display devices, including digital televisions.

13 54. Upon information and belief, in violation of 35 U.S.C. § 271,
14 Defendant has infringed and is continuing to infringe the '373 patent by contributing
15 to and/or actively inducing the infringement by others of the '373 patent by the
16 manufacture, use, offering for sale, sale, and/or importation or exportation of display
17 devices, including digital televisions.

18 55. Upon information and belief, Defendant has willfully infringed the
19 '373 patent.

20 56. Upon information and belief, Defendant's acts of infringement of the
21 '373 patent will continue after service of this complaint unless enjoined by the
22 Court.

23 57. As a result of Defendant's infringement, Sony has suffered and will
24 suffer damages.

25 58. Sony is entitled to recover from Defendant the damages sustained by
26 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

27 59. Unless Defendant is enjoined by this Court from continuing its
28 infringement of the '373 patent, Sony will suffer additional irreparable harm and

1 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary
2 and permanent injunction against further infringement.

3
4 **COUNT VI**
5 **INFRINGEMENT OF THE '614 PATENT**
6

7 60. Sony realleges and incorporates herein the allegations of the preceding
8 paragraphs of this Complaint as if fully set forth herein.

9 61. Upon information and belief, in violation of 35 U.S.C. § 271,
10 Defendant has infringed and is continuing to infringe, literally and/or under the
11 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614
12 patent in the manufacture, use, offering for sale, sale, and/or importation or
13 exportation of display devices, including digital televisions.

14 62. Upon information and belief, in violation of 35 U.S.C. § 271,
15 Defendant has infringed and is continuing to infringe the '614 patent by contributing
16 to and/or actively inducing the infringement by others of the '614 patent by the
17 manufacture, use, offering for sale, sale, and/or importation or exportation of display
18 devices, including digital televisions.

19 63. Upon information and belief, Defendant has willfully infringed the
20 '614 patent.

21 64. Upon information and belief, Defendant's acts of infringement of the
22 '614 patent will continue after service of this complaint unless enjoined by the
23 Court.

24 65. As a result of Defendant's infringement, Sony has suffered and will
25 suffer damages.

26 66. Sony is entitled to recover from Defendant the damages sustained by
27 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
28

67. Unless Defendant is enjoined by this Court from continuing its infringement of the '614 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

COUNT VII

INFRINGEMENT OF THE '055 PATENT

68. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

69. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '055 patent by practicing one or more claims of the '055 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

70. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '055 patent by contributing to and/or actively inducing the infringement by others of the '055 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

71. Upon information and belief, Defendant has willfully infringed the '055 patent.

72. Upon information and belief, Defendant's acts of infringement of the '055 patent will continue after service of this complaint unless enjoined by the Court.

73. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

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1 81. As a result of Defendant's infringement, Sony has suffered and will
2 suffer damages.

3 82. Sony is entitled to recover from Defendant the damages sustained by
4 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
5 Unless Defendant is enjoined by this Court from continuing its infringement of the
6 '468 patent, Sony will suffer additional irreparable harm and impairment of the
7 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
8 injunction against further infringement.

9
10 **COUNT IX**
11 **INFRINGEMENT OF THE '182 PATENT**
12

13 83. Sony realleges and incorporates herein the allegations of the preceding
14 paragraphs of this Complaint as if fully set forth herein.

15 84. Upon information and belief, in violation of 35 U.S.C. § 271,
16 Defendant has infringed and is continuing to infringe, literally and/or under the
17 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182
18 patent in the manufacture, use, offering for sale, sale, and/or importation or
19 exportation of display devices, including digital televisions.

20 85. Upon information and belief, in violation of 35 U.S.C. § 271,
21 Defendant has infringed and is continuing to infringe the '182 patent by contributing
22 to and/or actively inducing the infringement by others of the '182 patent by the
23 manufacture, use, offering for sale, sale, and/or importation or exportation of display
24 devices, including digital televisions.

25 86. Upon information and belief, Defendant has willfully infringed the
26 '182 patent.

1 87. Upon information and belief, Defendant's acts of infringement of the
2 '182 patent will continue after service of this complaint unless enjoined by the
3 Court.

4 88. As a result of Defendant's infringement, Sony has suffered and will
5 suffer damages.

6 89. Sony is entitled to recover from Defendant the damages sustained by
7 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
8 Unless Defendant is enjoined by this Court from continuing its infringement of the
9 '182 patent, Sony will suffer additional irreparable harm and impairment of the
10 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
11 injunction against further infringement.

12
13 **COUNT X**

14 **INFRINGEMENT OF THE '472 PATENT**

15
16 90. Sony realleges and incorporates herein the allegations of the preceding
17 paragraphs of this Complaint as if fully set forth herein.

18 91. Upon information and belief, in violation of 35 U.S.C. § 271,
19 Defendant has infringed and is continuing to infringe, literally and/or under the
20 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472
21 patent in the manufacture, use, offering for sale, sale, and/or importation or
22 exportation of display devices, including digital televisions.

23 92. Upon information and belief, in violation of 35 U.S.C. § 271,
24 Defendant has infringed and is continuing to infringe the '472 patent by contributing
25 to and/or actively inducing the infringement by others of the '472 patent by the
26 manufacture, use, offering for sale, sale, and/or importation or exportation of display
27 devices, including digital televisions.

1 93. Upon information and belief, Defendant has willfully infringed the
2 '472 patent.

3 94. Upon information and belief, Defendant's acts of infringement of the
4 '472 patent will continue after service of this complaint unless enjoined by the
5 Court.

6 95. As a result of Defendant's infringement, Sony has suffered and will
7 suffer damages.

8 96. Sony is entitled to recover from Defendant the damages sustained by
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
10 Unless Defendant is enjoined by this Court from continuing its infringement of the
11 '472 patent, Sony will suffer additional irreparable harm and impairment of the
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
13 injunction against further infringement.

14 **COUNT XI**

15 **INFRINGEMENT OF THE '285 PATENT**

16
17 97. Sony realleges and incorporates herein the allegations of the preceding
18 paragraphs of this Complaint as if fully set forth herein.

19 98. Upon information and belief, in violation of 35 U.S.C. § 271,
20 Defendant has infringed and is continuing to infringe, literally and/or under the
21 doctrine of equivalents, the '285 patent by practicing one or more claims of the '285
22 patent in the manufacture, use, offering for sale, sale, and/or importation or
23 exportation of display devices, including digital televisions.

24 99. Upon information and belief, in violation of 35 U.S.C. § 271,
25 Defendant has infringed and is continuing to infringe the '285 patent by contributing
26 to and/or actively inducing the infringement by others of the '285 patent by the
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display
28 devices, including digital televisions.

1 100. Upon information and belief, Defendant has willfully infringed the
2 '285 patent.

3 101. Upon information and belief, Defendant's acts of infringement of the
4 '285 patent will continue after service of this complaint unless enjoined by the
5 Court.

6 102. As a result of Defendant's infringement, Sony has suffered and will
7 suffer damages.

8 103. Sony is entitled to recover from Defendant the damages sustained by
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
10 Unless Defendant is enjoined by this Court from continuing its infringement of the
11 '285 patent, Sony will suffer additional irreparable harm and impairment of the
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
13 injunction against further infringement.

14 **COUNT XII**

15 **INFRINGEMENT OF THE '553 PATENT**

16
17 104. Sony realleges and incorporates herein the allegations of the preceding
18 paragraphs of this Complaint as if fully set forth herein.

19 105. Upon information and belief, in violation of 35 U.S.C. § 271,
20 Defendant has infringed and is continuing to infringe, literally and/or under the
21 doctrine of equivalents, the '553 patent by practicing one or more claims of the '553
22 patent in the manufacture, use, offering for sale, sale, and/or importation or
23 exportation of display devices, including digital televisions.

24 106. Upon information and belief, in violation of 35 U.S.C. § 271,
25 Defendant has infringed and is continuing to infringe the '553 patent by contributing
26 to and/or actively inducing the infringement by others of the '553 patent by the
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display
28 devices, including digital televisions.

1 107. Upon information and belief, Defendant has willfully infringed the
2 '553 patent.

3 108. Upon information and belief, Defendant's acts of infringement of the
4 '553 patent will continue after service of this complaint unless enjoined by the
5 Court.

6 109. As a result of Defendant's infringement, Sony has suffered and will
7 suffer damages.

8 110. Sony is entitled to recover from Defendant the damages sustained by
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
10 Unless Defendant is enjoined by this Court from continuing its infringement of the
11 '553 patent, Sony will suffer additional irreparable harm and impairment of the
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
13 injunction against further infringement.

14 **COUNT XIII**

15 **INFRINGEMENT OF THE '362 PATENT**

16
17 111. Sony realleges and incorporates herein the allegations of the preceding
18 paragraphs of this Complaint as if fully set forth herein.

19 112. Upon information and belief, in violation of 35 U.S.C. § 271,
20 Defendant has infringed and is continuing to infringe, literally and/or under the
21 doctrine of equivalents, the '362 patent by practicing one or more claims of the '362
22 patent in the manufacture, use, offering for sale, sale, and/or importation or
23 exportation of display devices, including digital televisions.

24 113. Upon information and belief, in violation of 35 U.S.C. § 271,
25 Defendant has infringed and is continuing to infringe the '362 patent by contributing
26 to and/or actively inducing the infringement by others of the '362 patent by the
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display
28 devices, including digital televisions.

1 114.

2 115. Upon information and belief, Defendant has willfully infringed the
3 '362 patent.

4 116. Upon information and belief, Defendant's acts of infringement of the
5 '362 patent will continue after service of this complaint unless enjoined by the
6 Court.

7 117. As a result of Defendant's infringement, Sony has suffered and will
8 suffer damages.

9 118. Sony is entitled to recover from Defendant the damages sustained by
10 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
11 Unless Defendant is enjoined by this Court from continuing its infringement of the
12 '362 patent, Sony will suffer additional irreparable harm and impairment of the
13 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
14 injunction against further infringement.

15 **COUNT XIV**

16 **INFRINGEMENT OF THE '425 PATENT**

17
18 119. Sony realleges and incorporates herein the allegations of the preceding
19 paragraphs of this Complaint as if fully set forth herein.

20 120. Upon information and belief, in violation of 35 U.S.C. § 271,
21 Defendant has infringed and is continuing to infringe, literally and/or under the
22 doctrine of equivalents, the '425 patent by practicing one or more claims of the '425
23 patent in the manufacture, use, offering for sale, sale, and/or importation or
24 exportation of display devices, including digital televisions.

25 121. Upon information and belief, in violation of 35 U.S.C. § 271,
26 Defendant has infringed and is continuing to infringe the '425 patent by contributing
27 to and/or actively inducing the infringement by others of the '425 patent by the
28

1 122. manufacture, use, offering for sale, sale, and/or importation or
2 exportation of display devices, including digital televisions.

3 123. Upon information and belief, Defendant has willfully infringed the
4 '425 patent.

5 124. Upon information and belief, Defendant's acts of infringement of the
6 '472 patent will continue after service of this complaint unless enjoined by the
7 Court.

8 125. As a result of Defendant's infringement, Sony has suffered and will
9 suffer damages.

10 126. Sony is entitled to recover from Defendant the damages sustained by
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.
12 Unless Defendant is enjoined by this Court from continuing its infringement of the
13 '425 patent, Sony will suffer additional irreparable harm and impairment of the
14 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent
15 injunction against further infringement.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Sony prays for the following relief:

18 (a) That Defendant be ordered to pay damages adequate to
19 compensate Sony for Defendant's infringement of each of the patents-in-suit
20 pursuant to 35 U.S.C. § 284;

21 (b) That Defendant be ordered to pay treble damages for willful
22 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

23 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35
24 U.S.C. § 285 for each of the patents-in-suit;

25 (d) That Defendant, its officers, agents, servants, employees, and
26 those persons acting in active concert or in participation with them be enjoined from
27 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

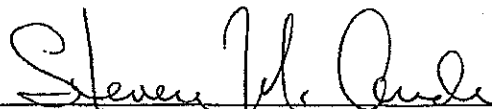
28 (e) That Defendant be ordered to pay prejudgment interest;

1
2 (f) That Defendant be ordered to pay all costs associated with this
3 action; and

4 (g) That Sony be granted such other and additional relief as the
5 Court deems just and proper.

6 DATED: October 10, 2008

Respectfully submitted,

7
8 By 
9 Steven Anderson
10 QUINN EMANUEL URQUHART
11 OLIVER & HEDGES, LLP

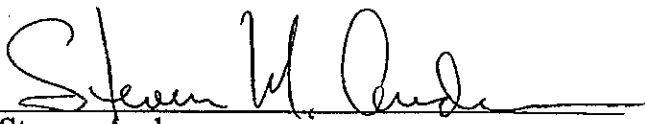
12 Attorneys for Plaintiff
13 SONY CORPORATION
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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

DATED: October 10, 2008

Respectfully submitted,

By 
Steven Anderson
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

Attorneys for Plaintiff
SONY CORPORATION OF AMERICA

EXHIBIT E

CONFORMED COPY

FILED

2008 OCT 10 PM 4:06
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

1 Kevin P.B. Johnson (Bar No. 177129)
Benjamin L. Singer (*pro hac* admission pending)
2 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
555 Twin Dolphin Drive, Suite 560
3 Redwood Shores, California 94065-2139
Telephone: (650) 801-5000
4 Facsimile: (650) 801-5100

5 Steven M. Anderson (Bar No. 144014)
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
6 865 S. Figueroa St. 10th Floor
Los Angeles, California 90017
7 Telephone: (213) 443-3000
Facsimile: (213) 443-3100
8

9 Attorneys for Plaintiff Sony Corporation
10

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 SONY CORPORATION, A Japanese
corporation,

15 Plaintiff,

16 vs.

17 VIZIO, Inc.,

18 Defendant.
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CASE NO.

SACV08-1135 AHS (AA)

NOTICE OF RELATED CASES

1 TO THE CLERK OF THE COURT:

2 PLEASE TAKE NOTICE that the following cases that have previously
3 been filed in this Court are related to the instant case in that a number of the patents-
4 in-suit are identical to those in the prior case and in that the instant case calls for the
5 determination of the same or substantially identical questions of law in that the relief
6 sought is the same.

7 The related case is *Sony Corp. v. Westinghouse Digital Electronics, LLC*,
8 CV08-03934 RGK (FMOx).

9
10 DATED: October 10, 2008

Respectfully submitted,

11 QUINN EMANUEL URQUHART OLIVER &
12 HEDGES, LLP

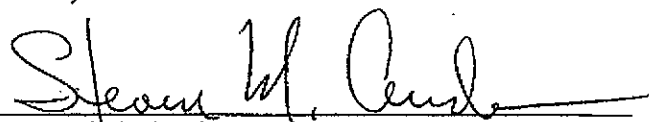
13 By 
14 Steven M. Anderson
15 Attorneys for Plaintiff Sony Corporation
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EXHIBIT F

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SONY CORPORATION, A Japanese corporation	DEFENDANTS VIZIO, Inc.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017 Tel: (213) 443-3000	Attorneys (If Known) unknown

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ to be proved at trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Counts 1-14: violation of 35 U.S.C. 271 (Patent Infringement)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERATE TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV08-1135

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes
If yes, list case number(s): CV08-03934 RGK (FMOx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Sony Corporation: citizen of Japan;

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
VIZIO, Inc. - Orange County, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Claims 1-14: Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): Steven M. Pearl Date October 10, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

EXHIBIT G

Counsel for Plaintiff
VIZIO, Inc.

VIZIO, Inc.,

Y.

Defendants.

**COMPLAINT FOR DECLARATORY
JUDGMENT, TRADE LIBEL,
DISPARAGEMENT, AND
VIOLATION OF LANHAM ACT**

1990805-01

43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and for such other relief as the Court deems just and proper.

PARTIES

2. Plaintiff VIZIO is an American company that sells high definition televisions, having its principal place of business at 39 Tesla, Irvine, California 92618.

3. On information and belief, defendant Sony Corporation ("Sony") is a Japanese corporation having its principal place of business at 1-7-1, Konan, Minato-Ku, Tokyo, Japan.

4. On information and belief, defendant Sony Corporation of America ("SCA") is a New York corporation having its principal place of business at 550 Madison Avenue, New York, New York 10022. SCA has offices and employees in New Jersey at 1 Sony Drive, Park Ridge, New Jersey and 123 Tice Boulevard, Woodcliff Lake, New Jersey.

5. As alleged herein, Sony and SCA have engaged in various acts in and directed to New Jersey.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction of Counts I-XXIV of this Complaint pursuant to 28 U.S.C. §§ 1331, 1338(a), 1367, 2201, and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, and of Counts XXV and XXVI of this Complaint under 28 U.S.C. §§ 1331, 1338(b), 1367 and/or the doctrine of pendent jurisdiction. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

7. Sony purports to be the owner of rights in U.S. Patent Nos. 5,285,285; 5,212,553; 5,434,626; 6,111,614; 5,168,362; 5,539,425; 6,778,182; RE 38,055; 5,583,577; 5,684,542; 5,731,847; and RE 40,468 (collectively, the "Patents-in-Suit"). Through a series of verbal and written communications, Sony has asserted that these patents relate to various aspects of

televisions and are infringed by VIZIO. Sony has confirmed its ability and willingness to file suit against VIZIO and has threatened to sue VIZIO for infringement of the Patents-in-Suit, but VIZIO has not infringed and does not infringe, either directly or indirectly, any valid and enforceable claim of any of the Patents-in-Suit, either literally or under the doctrine of equivalents, nor is it aware of any infringement of any of the Patents-in-Suit. A substantial controversy exists between the parties which is of sufficient immediacy and reality to warrant declaratory relief.

8. This Court has personal jurisdiction over Sony. Sony has regularly conducted business in and directed to New Jersey, including, *inter alia*, business pertaining to the Patents-in-Suit, has sued to enforce its patents in this Court, and has engaged in various acts in and directed to New Jersey.

9. This Court has personal jurisdiction over SCA. SCA regularly conducts business in and directed to New Jersey, including, *inter alia*, business pertaining to the Patents-in-Suit, and has an office and employees in New Jersey.

THE PATENTS

10. U.S. Patent No. 5,285,285 ("the '285 patent") is entitled "Method of Controlling First Items That Require Prior CRT Display And Second Items That Require No Prior Display," and bears an issuance date of February 8, 1994. A copy of the '285 patent is attached hereto as Exhibit 1.

11. U.S. Patent No. 5,212,553 ("the '553 patent") is entitled "Television Receiver With Selective Menu Display," and bears an issuance date of May 18, 1993. A copy of the '553 patent is attached hereto as Exhibit 2.

12. U.S. Patent No. 5,434,626 ("the '626 patent") is entitled "Display Apparatus Displaying Operation Menu," and bears an issuance date of July 18, 1995. A copy of the '626 patent is attached hereto as Exhibit 3.

13. U.S. Patent No. 6,111,614 ("the '614 patent") is entitled "Method And Apparatus For Displaying An Electronic Menu Having Components With Differing Levels Of Transparency," and bears an issuance date of August 29, 2000. A copy of the '614 patent is attached hereto as Exhibit 4.

14. U.S. Patent No. 5,168,362 ("the '362 patent") is entitled "Apparatus For Displaying Standard Aspect Ratio Television Signal On Wide Aspect Ratio Display Screen," and bears an issuance date of December 1, 1992. A copy of the '362 patent is attached hereto as Exhibit 5.

15. U.S. Patent No. 5,539,425 ("the '425 patent") is entitled "Display Unit," and bears an issuance date of July 23, 1996. A copy of the '425 patent is attached hereto as Exhibit 6.

16. U.S. Patent No. 6,778,182 ("the '182 patent") is entitled "Display Device," and bears an issuance date of August 17, 2004. A copy of the '182 patent is attached hereto as Exhibit 7.

17. U.S. Patent No. RE 38,055 ("the '055 patent") is entitled "Video Data Bus Communication System And Method," and bears an issuance date of April 1, 2003. A copy of the '055 patent is attached hereto as Exhibit 8.

18. U.S. Patent No. 5,583,577 ("the '577 patent") is entitled "Caption Data Coding/Decoding Systems And Methods That Includes Key Data Indicating Intermediate Levels

Of Attenuation In The Vicinity Of The Caption,” and bears an issuance date of December 10, 1996. A copy of the ‘577 patent is attached hereto as Exhibit 9.

19. U.S. Patent No. 5,684,542 (“the ‘542 patent”) is entitled “Video Subtitle Processing System,” and bears an issuance date of November 4, 1997. A copy of the ‘542 patent is attached hereto as Exhibit 10.

20. U.S. Patent No. 5,731,847 (“the ‘847 patent”) is entitled “Subtitle Encoding/Decoding Method And Apparatus,” and bears an issuance date of March 24, 1998. A copy of the ‘847 patent is attached hereto as Exhibit 11.

21. U.S. Patent No. RE40,468 (“the ‘468 patent”) is entitled “Video Data Bus Communication System and Method,” and bears an issuance date of August 26, 2008. A copy of the ‘468 patent is attached hereto as Exhibit 12.

COUNT I - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,285,285

22. VIZIO repeats and realleges the allegations in paragraphs 1-21 as though fully set forth herein.

23. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the ‘285 patent.

24. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

25. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the ‘285 patent.

COUNT II - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,285,285

26. VIZIO repeats and realleges the allegations in paragraphs 1-25 as though fully set forth herein.

27. The '285 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

28. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

29. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '285 patent.

COUNT III - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,212,553

30. VIZIO repeats and realleges the allegations in paragraphs 1-29 as though fully set forth herein.

31. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '553 patent.

32. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

33. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '553 patent.

COUNT IV - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,212,553

34. VIZIO repeats and realleges the allegations in paragraphs 1-33 as though fully set forth herein.

35. The '553 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

36. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

37. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '553 patent.

**COUNT V - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO.
5,434,626**

38. VIZIO repeats and realleges the allegations in paragraphs 1-37 as though fully set forth herein.

39. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '626 patent.

40. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

41. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '626 patent.

COUNT VI - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,434,626

42. VIZIO repeats and realleges the allegations in paragraphs 1-41 as though fully set forth herein.

43. The '626 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

44. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

45. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '626 patent.

COUNT VII - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 6,111,614

46. VIZIO repeats and realleges the allegations in paragraphs 1-45 as though fully set forth herein.

47. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '614 patent.

48. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

49. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '614 patent.

COUNT VIII - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 6,111,614

50. VIZIO repeats and realleges the allegations in paragraphs 1-49 as though fully set forth herein.

51. The '614 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

52. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

53. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '614 patent.

**COUNT IX - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO.
5,168,362**

54. VIZIO repeats and realleges the allegations in paragraphs 1-53 as though fully set forth herein.

55. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '362 patent.

56. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

57. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '362 patent.

COUNT X - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,168,362

58. VIZIO repeats and realleges the allegations in paragraphs 1-57 as though fully set forth herein.

59. The '362 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

60. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

61. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '362 patent.

COUNT XI - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,539,425

62. VIZIO repeats and realleges the allegations in paragraphs 1-61 as though fully set forth herein.

63. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '425 patent.

64. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

65. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '425 patent.

COUNT XII - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,539,425

66. VIZIO repeats and realleges the allegations in paragraphs 1-65 as though fully set forth herein.

67. The '425 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

68. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

69. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '425 patent.

**COUNT XIII - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO.
6,778,182**

70. VIZIO repeats and realleges the allegations in paragraphs 1-69 as though fully set forth herein.

71. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '182 patent.

72. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

73. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '182 patent.

COUNT XIV - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 6,778,182

74. VIZIO repeats and realleges the allegations in paragraphs 1-73 as though fully set forth herein.

75. The '182 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

76. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

77. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '182 patent.

**COUNT XV - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO.
RE 38,055**

78. VIZIO repeats and realleges the allegations in paragraphs 1-77 as though fully set forth herein.

79. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '055 patent.

80. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

81. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '055 patent.

COUNT XVI - DECLARATION OF INVALIDITY OF U.S. PATENT NO. RE 38,055

82. VIZIO repeats and realleges the allegations in paragraphs 1-81 as though fully set forth herein.

83. The '055 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

84. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

85. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '055 patent.

COUNT XVII - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,583,577

86. VIZIO repeats and realleges the allegations in paragraphs 1-85 as though fully set forth herein.

87. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '577 patent.

88. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

89. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '577 patent.

COUNT XVIII - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,583,577

90. VIZIO repeats and realleges the allegations in paragraphs 1-89 as though fully set forth herein.

91. The '577 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

92. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

93. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '577 patent.

COUNT XIX - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,684,542

94. VIZIO repeats and realleges the allegations in paragraphs 1-93 as though fully set forth herein.

95. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '542 patent.

96. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

97. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '542 patent.

COUNT XX - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,684,542

98. VIZIO repeats and realleges the allegations in paragraphs 1-97 as though fully set forth herein.

99. The '542 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

100. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

101. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '542 patent.

COUNT XXI - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 5,731,847

102. VIZIO repeats and realleges the allegations in paragraphs 1-101 as though fully set forth herein.

103. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '847 patent.

104. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

105. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '847 patent.

COUNT XXII - DECLARATION OF INVALIDITY OF U.S. PATENT NO. 5,731,847

106. VIZIO repeats and realleges the allegations in paragraphs 1-105 as though fully set forth herein.

107. The '847 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

108. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

109. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '847 patent.

**COUNT XXIII - DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO.
RE 40,468**

110. VIZIO repeats and realleges the allegations in paragraphs 1-109 as though fully set forth herein.

111. VIZIO has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '468 patent.

112. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

113. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '468 patent.

COUNT XXIV - DECLARATION OF INVALIDITY OF U.S. PATENT NO. RE 40,468

114. VIZIO repeats and realleges the allegations in paragraphs 1-113 as though fully set forth herein.

115. The '468 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, 101, 102, 103, 112 and 132.

116. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

117. A judicial declaration is necessary and appropriate so that VIZIO may ascertain its rights regarding the '468 patent.

COUNT XXV - TRADE LIBEL/DISPARAGEMENT

118. VIZIO repeats and realleges the allegations in paragraphs 1-9 as though fully set forth herein.

119. On information and belief, on May 14, 2008, officers of Sony and SCA, including one Sony/SCA officer Robert Wiesenthal, participated in a public telephone conference call to discuss the earnings performance of Sony for its fiscal 4th quarter of 2007 (the "Conference Call"). On information and belief, consistent with Sony's custom and practice, Sony's website supplied advance notice of the Conference Call, including a dial-in number to permit the public, including financial analysts and investors all over the United States, to participate or listen in on the call.

120. On information and belief, during the Conference Call, Sony and SCA officers made a presentation, after which there was a question and answer period. During the question and answer period, participating financial analysts directed questions to the Sony and SCA

officers. One such question from an unidentified analyst was: "Just curious as you move and push harder at the smaller screen size whether you can discuss how you plan to make money in such a competitive market?"

121. On information and belief, in responding to that question during the Conference Call, Mr. Wiesenthal purposely and maliciously made statements in the course of his employment as an officer of Sony and SCA about VIZIO television sets that were known to be false or made with reckless disregard for the truth, to wit:

"I think it's important to point out there is a very big difference between the high-end 1080p sets and the low-end kind of VIZIO and Chinese manufacturer semi non-HD sets."

In fact, VIZIO sells HD (high definition) television sets, not inferior "semi non-HD sets," and Mr. Wiesenthal had no basis for asserting otherwise.

122. On information and belief, Sony and SCA's false and disparaging statements were not only published to those members of the public who listened to the Conference Call as it occurred, but were also transcribed, and the transcript was published and made available to the public over the Internet by posting it on a website, found (as of October 10, 2008) at the following URL: <http://seekingalpha.com/article/77322-sony-corp-f4q07-qtr-end-03-31-earnings-call-transcript>.

123. VIZIO requested a retraction of the aforementioned statements but defendants were unwilling to provide one.

124. Sony and SCA's false and disparaging statements about VIZIO television sets has proximately caused VIZIO to incur and suffer special damages as described herein. The special damages incurred by VIZIO to date include the increased costs of creating and producing corrective television advertising spots designed to counteract the false assertions of Sony and SCA regarding VIZIO television sets and/or the attendant loss of goodwill they caused VIZIO.

In addition, by reason of these increased incurred costs, VIZIO has been unable to create and produce the additional television ads this year that it otherwise would have made. The amount of special damages incurred by VIZIO to date in this respect exceeds \$500,000, exclusive of interest, costs and attorneys fees.

125. As a result of their conduct in publishing false and disparaging statements about VIZIO television sets that they knew or should have known were false, Sony and SCA are jointly and severally liable to VIZIO for common law trade libel and/or disparagement, for which VIZIO is entitled to: (a) an injunction ordering Sony and SCA to cease and desist from making any such statements and to disseminate a prominent public retraction of the statements that were made, and (b) compensation for the special damages incurred by VIZIO, as described above, in an amount to be determined at trial.

COUNT XXVI - UNFAIR COMPETITION UNDER LANHAM ACT § 43(a)

126. VIZIO repeats and realleges the allegations in paragraphs 1-9 and 118-125 as though fully set forth herein.

127. The above-alleged false and disparaging statements were made, on information and belief, by Sony/SCA officer Mr. Wiesenthal during the Conference Call and in the course of his employment, in connection with and in promotion of Sony/SCA and its television products to the public.

128. The above-alleged false and disparaging statements were made in commerce and materially misrepresent the nature, characteristics or qualities of VIZIO's television sets in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and, on information and belief, for the purpose of influencing the public perception of VIZIO televisions in a negative

129. VIZIO is entitled to recover the damages specified in 15 U.S.C. § 1117(a) and (b) from Sony and SCA as a result of their violation of Section 43(a) of the Lanham Act.

PRAYER FOR RELIEF

WHEREFORE, VIZIO prays for the following relief:

(a) A judgment declaring that VIZIO has not infringed, directly or indirectly, any valid or enforceable claim of the Patents-in-Suit;

(b) A judgment declaring that the claims of the Patents-in-Suit are invalid;

(c) An order declaring that VIZIO is a prevailing party and that this is an exceptional case; awarding VIZIO its costs, expenses, disbursements and reasonable attorneys fees under 35 U.S.C. § 285;

(d) An order directing Sony and SCA to cease and desist from making further false, misleading and/or disparaging statements regarding VIZIO television sets;

(e) An order directing Sony and SCA to publish a prominent and public retraction of its false, misleading and/or disparaging statements regarding VIZIO television sets;

(f) That defendants be ordered to pay VIZIO's special damages incurred as a result of the maliciously false, misleading and/or disparaging statements that they made;

(g) That defendants be ordered to pay VIZIO such punitive damages as the trier of fact may award with respect to defendants' maliciously false, misleading and/or disparaging statements about VIZIO's television sets;

(h) That defendants be ordered to pay VIZIO's damages assessed under 15 U.S.C. § 1117(a) and (b);

- (i) That defendants be ordered to pay prejudgment interest;
- (j) That defendants be ordered to pay all costs associated with this action; and
- (k) That VIZIO be granted such other and additional relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues and claims so triable.

Dated: October 10, 2008

s/ Liza M. Walsh
Liza M. Walsh
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(973) 535-0500

Counsel for Plaintiff
VIZIO, Inc.

Of Counsel:

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LOCAL CIVIL RULE 11.2 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any other court, or any other pending arbitration or administrative proceeding.

Dated: October 10, 2008

CONNELL FOLEY LLP

By: s/ Liza M. Walsh
Liza M. Walsh

RULE 201.1 CERTIFICATION

I hereby certify that the above-captioned matter is not subject to compulsory arbitration in that declaratory and injunctive relief is sought.

Dated: October 10, 2008

CONNELL FOLEY LLP

By: s/ Liza M. Walsh
Liza M. Walsh

EXHIBIT H